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REPORT AND PROCEEDINGS

OF THE

COMMITTEE OF THE LEGISLATIVE COUNCIL

ON

HARBOUR BOARD TRAMWAY.



Published by order of the Legislative Council.
JULY, 1863.

CAPE TOWN:
SAUL SOLOMON AND CO., STEAM PRINTING OFFICE.
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R E P O R T

OF THE

SELECT COMMITTEE appointed on the 2nd July, 1863,
to report upon the PETITION presented to COUNCIL
on the 26th June, by Fishermen and others, on the
subject of the proposed RAIL or TRAMWAY to be
laid down from the BREAKWATER WORKS to
ROGGE BAY, with power to examine Witnesses and
call for Papers.

PRESENT:

Mr. WICHT (Chairman),

Mr. Godlonton,

Mr. van Breda,

Mr. Wood.

Your committee beg leave to report that they have examined Messrs. Lezar, Zeeman, Erntzen, Dantu, Dixon, Prince, the Engineer and Secretary of the Harbour Board, as well as the former Civil Commissioner and Resident Magistrate of Cape Town, P. B. Borcherds, Esq., and J. P. A. Faure, Esq., an old resident and former clerk to the Burgher Senate, and that they have arrived at the following conclusions, viz. :

1. That from the evidence of these competent witnesses, it has been proved to the satisfaction of your committee that a fish-market has been established in the neighbourhood of the Rogge Bay beach since time immemorial, and that, consequently, it may fairly be presumed that prescriptive right to the spot in question could be sustained.
2. That the poorer classes are greatly dependent upon the fisheries for one of the principal articles of their food; and that it would be highly desirable to encourage such an important branch of colonial industry as the fisheries, by affording every facility (consonant with a due regard for the public health) in curing and preparing the surplus quantity of fish caught, for a foreign market, after supplying the local demands.

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3. That some of the exporters of fish had already to break up and remove their establishments in consequence of the improvement going on in the neighbourhood of the proposed docks, and that if they are further inconvenienced there is reason to fear that there will be a considerable falling off in the export of that article, and a consequent diminution of the means of obtaining an honest living for the wives and families of the fishermen, they being also engaged to a considerable extent in preparing fish for foreign as well as for colonial markets.
4. That your committee proceeded to the spot in order to ascertain what additional facilities could be afforded to the fishermen, and found large quantities of shells deposited on the beach, which they think it would be desirable to remove at the earliest convenient opportunity.
5. That your committee would suggest that His Excellency the Governor be requested, by respectful address, to cause the Rogge Bay beach to be inspected by the Colonial Railway Engineer, in order to ascertain whether there are any insuperable physical or engineering difficulties to the laying down of another line for the tramway than the one proposed, and which would entail less inconvenience to the fishermen, especially as it is extremely probable that on the completion of the docks, a tram or railway will have to be laid down to facilitate the conveyance of goods either to the present or projected new railway station.

Your committee would further suggest that the report and evidence taken on the subject be also submitted to His Excellency, for His Excellency's favourable consideration.

J. H. WICHT, Chairman.

21st July, 1863.

PROCEEDINGS OF COMMITTEE.

Monday, 6th July, 1863.

PRESENT :

Mr. Wicht, Mr. de Wet,		Mr. Godlonton, Mr. Wood.
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Resolved that Mr. Wieht do take the chair.

Order of Council, dated 2nd July, for appointment of Committee read.

Petition referred to Committee, submitted by Chairman, and read.—[See Appendix A.]

Mr. Lezar examined.

Mr. Zeeman examined.

Mr. Dantu examined.

Mr. Erntzen examined.

Mr. Dixon examined.

Mr. Lezar re-examined.

Mr. Prince examined.

Committee adjourns till Thursday next, the 9th July, at half-past 10 a.m.

Thursday, 9th July, 1863.

PRESENT :

Mr. WICHT (Chairman),

Mr. de Wet, Mr. Wood,		Mr. Godlonton, Mr. van Breda.
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Mr. Andrews, Engineer to Harbour Board, examined.

Mr. Borcherds examined.

Committee adjourns till Saturday next, the 18th July, at 11 a.m.

Saturday, 18th July, 1863.

PRESENT :

Mr. WICHT (Chairman),

Mr. Godlonton,
Mr. van Breda,

Mr. Wood.

Mr. J. P. E. Faure examined.

Mr. J. Saunders, Secretary to Harbour Board, examined.

Committee adjourns till Tuesday next, the 21st instant, at half-past 10 a.m.

Tuesday, 21st July, 1863.

PRESENT :

Mr. WICHT (Chairman),

Mr. Godlonton,
Mr. van Breda,

Mr. Wood.

The Chairman reads a letter from Mr. J. P. E. Faure.—[See Appendix D.]

The Chairman submits draft report.

Agreed to, and Chairman instructed to report to the Council accordingly.

MINUTES OF EVIDENCE.

HARBOUR BOARD TRAMWAY COMMITTEE.

Monday, 6th July, 1863.

PRESENT :

Mr. WICHT (Chairman),

Mr. de Wet,	Mr. Wood.
Mr. Godlonton,	

Mr. *Dirk Christoffel Lezar* examined.

1. *Chairman.*] You are a resident in Cape Town, I believe ?—Yes.

2. And are a large exporter of fish : you cure fish for the Cape market also, as well as foreign markets ?—Yes ; and I am the owner of fishing boats, ten in number.

3. How many fishermen do you employ ?—Sixty, in town.

4. Where do you cure your fish in Cape Town ; in what locality ?—In the fish-market, Rogge Bay, now.

5. Where did you cure it formerly ?—Where the company's fisheries used to be, near the Chavonne Battery.

6. You were ordered to remove from there ?—Yes.

7. By whom ?—The Harbour Board. I got the permission to cure my fish there originally from the Municipality, and when I was told to move, I went to the Municipality, and asked about it. They said they had given me verbal notice ; but they could not prove it.

8. What leads you to think that the Harbour Board will again interfere with you in the place you are now in ?—Because I have seen the ground being prepared for a line of tramway, coming downwards right through the fish-market. We then went and looked at the plans, and found that the tramway will come right through the market, and between our boats, as they are now placed.

Mr. Dirk Christoffel Lezar.

6th July,
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Mr. Dirk Christoffel Lezar.
6th July,
1863.

9. Did you make any remonstrance to the Harbour Board, showing that this would do you damage?—No, we kept quiet.
10. When you saw the tramway being laid down, did you make no objections?—No.
11. You did not see anybody on the subject?—No.
12. Did you see anybody staking out the line?—No; but we learnt from the people who were working there what was going to be done.
13. But you say you saw the plan?—Yes, afterwards.
14. Do you think that the carrying out of the line, as proposed on that plan, would be very detrimental to your interests?—Very much so; great damage and loss to us will be the consequence.
15. Will you give the committee an explanation of the grounds on which you think so?—I produce a sketch, by myself, of the proposed plan, which shows that the tramway will come right through the market. Where will we go to? We must cure our fish there, and we can do nothing for our livelihood if we are turned away from that spot.
16. You say, then, that the proposed plan is objectionable because the tramway will cut through your fish-market?—Yes.
17. And also interfere with your boats?—We have been obliged to carry our boats, only a day or two ago, right up into the fish-market itself, in consequence of the sea being strong; so much so that I took out my scaffolding poles to make a place for my own boats. On such occasions, the fishermen all help each other to carry up their boats, and also, if there is time, to carry them down again, ready for launching.
18. You mean the boats of other parties?—Of all together.
19. Would the carrying of the tramway, as proposed, interfere with the drying and curing of fish?—It goes right over the space where we dry and cure. It even takes the corner off my wooden house, according to the plan.
20. Is there no other place for a market which would be convenient to the fishermen, and to which they could remove?—The place we have now is the best place. I believe it was set aside for the purpose in the old Dutch times, in the days of my forefathers. There is not a better place.
21. Then could not the tramway be laid down in another direction, so as not to inconvenience the fishermen?—It could go round by the Sailors' Home, I think.

22. What is the quantity of fish you export to Mauritius?—

It is according to the annual quantity of fish caught. Formerly, when we had a large piece of ground for drying, it used to be sometimes from thirty to fifty tons a week. Now we cannot dry it. There is no ground. Every one has but a small piece. Formerly, we had a larger piece of ground near the Chavonne Battery.

Mr. Dirk Christoffel Lezar.

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23. And, consequently, since your removal, there has been a falling off in the export?—Yes. When the poor people living down at the Strand have any fish which they cannot sell, then, not having a piece of ground on which to dry it, they must do it in their houses.

24. Mr. *Godlonton.*] You say that the ground at Rogge Bay is very limited; that it is rather too small for you?—Yes.

25. Is there no spot in the neighbourhood of the bay where you can have plenty of room, and which might answer your purposes better?—No, there is no better place for the boats to land.

26. How is it that there is no better place?—The boats cannot go in anywhere else so easily, on account of the rocks, and the swell there is always on. Our present spot is large enough for our purpose if they would take away the kraal and the shells, and measure us out a piece of ground where the wood lies alongside the fish-market. Then there will be ground enough.

27. *Chairman.*] Is there a large quantity of shells there?—Yes, a couple of hundred tons.

28. Mr. *de Wet.*] To whom do they belong?—To people who bring them from different parts.

29. Can you not prevent these people laying down the shells there?—No.

30. Where do these shells come from?—From different islands along the coast. They are left till sold; but if we had a larger piece of ground given to us, then these people could also have a portion of it for their shells.

31. Mr. *Wood.*] Can you tell the committee how many fishermen are continually employed in carrying on their occupation?—A good three hundred, all of whom are poor men, with wives and children to support.

32. And all living on what they make by fish?—Yes.

33. Are the women employed?—Most of them are also employed. I have sometimes twenty working for me in

Mr. *Dirk Chris-*
taffel Lezar.

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assisting to cure fish, receiving—some half a crown, some three dollars a day ; besides the young people.

34. Then do I understand you to say that besides the three hundred males there are a number of women and children, all getting a living by curing and preparing fish ?—Yes.

35. How long have you been a fisherman ?—Twenty years.

36. During those twenty years has the beach at all altered ?—Yes. We had first the old market, and then that market was filled up, and we got another piece of ground further up. The beach has altered very much. I remember a guard-house being on the water's edge near Searight's store, and see how far down the water's edge is now.

37. And as the beach is taken in in this way, does it render more facilities for landing your boats, or less ?—It is now a little more easy for us than it used to be ; but then we have filled it up, and made it all nice and right. At first it was very difficult for us.

38. Do you know that spot on the south side of the Central Causeway, where there is a slip made for the use of the Port-office ?—Yes.

39. Is that a convenient spot for a market for you ?—No ; the water comes up quite close, so that we could not bring up our boats or land our fish there properly. Sixty boats could not be hauled up there to lie one alongside another nicely ; and there is also a great difference between a full boat and an empty boat. There would not be room enough on the shore for the empty boats ; and the full boats coming in would be damaged by contact with the shore and slip.

40. Suppose the Municipality or the Government were to erect a slip, or inclined plane, or something of that description, and charged a small fee for the use of it, would that be an advantage, or otherwise, to the fishermen ?—It would be difficult for us to make use of it ; for if a boat comes to it with its full load and strikes against the slip, the boat's planks being only three quarters of an inch thick, the boat would easily be broken.

41. In curing fish, is it necessary that the fish should be exposed to the open air, or should they be placed under cover ?—In the open air.

42. If anything was done to secure to the fishermen the privilege of that position—as the beach is filling in still, you

must remember,—if, say, some kind of slip, such as the Port-office one, were built by the Municipality, and the fishermen were required to pay a rental, would that not be better than keeping them in the excited state they are in now in consequence of their constant interference and removal?—We cannot be better than where we are now, if the tramway does not come there, and the ground is only cleared.

Mr. *Dirk Christoffel Lezar.*
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43. Then do I clearly understand you that there is no better place for you than where you are at present?—There can be no better place than where we are now, because it is sandy beach. The Port-office site would do all very well for smooth water, but not for rough water, for then such a swell sets in that in coming up to the slip many a man might break his leg.

44. Mr. *Godlonton.*] You say that the harbour is very much altered in character by being filled up a good deal: to what do you attribute that?—The filling up the sea with soil every day. Some parts of the ground round about are broken up, and the excavated material thrown into the bay. It is occasioned by the quantity of land thus reclaimed. The whole of the town rubbish also is thrown in there, besides which, the old battery that used to stand down there, near the fish-market, has been broken up long ago, and the material thrown into the sea.

45. Mr. *de Wet.*] Have you heard of a plan of making a quay or sea-wall from the North Wharf, near Mr. Letterstedt's stores, to the Central Causeway, so as to reclaim and take in the whole intermediate beach?—Yes; and we are very anxious it should not be done.

46. Why?—Because we think if that takes place it will have the effect of interfering with, and, in fact, altogether doing away with, our fishery at Rogge Bay.

47. Could you not have an inclined plane down towards the sea?—No, we could not then get our boats up at all.

48. And your boats would thus be continually knocking against the wall?—Yes.

49. I see a large quantity of fish lying down at Rogge Bay,—indeed, so much as I never saw before,—to be exported: does that belong to you?—No; to one of the coolies, Jan Mochamat.

50. What may be the quantity?—About thirty tons.

51. It lies down there in the open air, I see: is it exposed in the same way at night also?—No, it is covered with sails

*Mr. Dirk Chris-
toffel Lezár.*

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and tarpaulins every night. That is the fish which that man has caught but cannot sell. It belongs to different parties, and when they find they cannot sell it they must cure it.

52. Do you not think it would be of advantage to the public and to the town itself,—that it would keep the town clean, I mean,—if the people were obliged, when they buy fish on the market, to take out the entrails on the spot, instead of carrying the fish, as they now do, entrails and all, to different parts of the town?—It is better as it is now; otherwise you would find some deceiving the townspeople, by carrying to them for sale old fish; for, the entrails being out, how could you tell?

Mr. Johannes Jacobus Zeeman examined.

Mr. Johannes Jacobus Zeeman.] You have heard the evidence of the last witness?—Yes.

54. Do you agree with him?—Yes, so far; but one thing I want to say. With a market at the Port-office slip we will not be content, for the spot cannot be better than it is now, as we are. We have been driven away from one place to another. First we had the old fish-market. Then the Harbour Board sold the ground, and all sorts of things were put there, and many holes made, and many a man had often a narrow escape from tumbling into some of them and breaking his leg. The fishermen were all as patient as lambs. Wharves have been made here and there, and the land filled up. We agreed and said nothing to this; and now at last, when we have only this little piece of ground, they want to drive us away again. We want it to remain as it is now; and, therefore, we want to stop this tramway if it can be done.

55. Mr. *Godlonton.*] Do you not think it is rather detrimental to the health of the town having the fish-market where it is, surrounded as it is with buildings?—No, it cannot be; because there is no building nearer than the Sailors' Home; and if we fishermen got the piece of ground for ourselves, and got a paper, just as the former fishermen had, then we will build a wall ourselves round the fish-market. We will always keep it clean too. The Sailors' Home is at present the only building near by, and they have never objected to the fish-market. I can say for the fishermen that if they only get the ground they will build round a wall—say three feet high.

56. Mr. *de Wet.*] I hear you speak of something of importance. You say you would like to have such a "paper" as the old fishers had?—Yes, in 1806. I have heard the old fishers speak about it, for it was before my time. They had a paper, or a grant, saying that the fish-market was given to them, and could never be taken from them as long as they used it as a fish-market. If this was not so, why would the Municipality, when they took the old market away from us, give us the one we have now in its stead?

Mr. Johannes Jacobus Zeeman
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57. Are there any old people alive who can give us evidence regarding this grant you speak of?—No; I inquired. There is not one of them. They are dead and buried already.

58. Did they tell you, in speaking of it, that the grant was given them by the Government, or by the Municipality,—the Burgher Senate, as it was then called?—I think they said the Government. It was walled round, and there was a great pump standing in the middle of it, with the water running in four or five places. The Municipality took that market away and gave us another.

59. *Chairman.*] The market to which you refer was built by the old Burgher Senate; I saw it made myself in 1818?—I do not know.

60. Mr. *de Wet.*] You do not know, then, who has this paper?—No.

61. Have you ever seen it?—No. The old fishermen were very negligent, and gave it from one to another, so that it was, perhaps, lost in this way.

62. But nothing of the kind could have existed without the knowledge of the Burgher Senate?—They must have had some knowledge of it, or else the Municipality would not have built us a new market lately in place of the old one.

63. *Chairman.*] Is there no other spot as convenient for the boats to land?—A better place than there now is there cannot be. If there is, we are willing to go to a better place.

64. What is the reason: is the water too strong at other places?—Yes; the boats cannot go in when the water is rough without danger to the fishermen,—destroying their boats and jeopardizing their lives.

Pieter Dantu examined.

65. *Chairman.*] Have you understood what has been said? —Yes.

*Mr.
Pieter Dantu.*

Mr.
Pieter Dantu.
—
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66. And do you agree with it?—Yes.
67. Have you anything to add?—No, nothing. I want nothing else than that the market should stop as it is, just as Lezar and Zeeman have said.
68. You are a fisherman, too?—Yes.
69. How long have you been so?—Twenty-two years.
70. And you have been in the neighbourhood of the market during all that period?—Yes.
71. How many boats have you?—I had three, but now have only one. I sold the other two to de Pass and Spence.
72. Why?—Because I went away to fish for Mr. Spence and Mr. Murison.

Ernst Jacobus Erntzen examined.

Mr. *Ernst Jacs. Erntzen.*] You are a fisherman?—Yes. I left it off about five years ago.

74. How long have you been a fisherman?—From my youth.
75. You were owner of boats, and had some men in your service?—Yes, three boats and eighteen hands.
76. You have heard the evidence of the other witnesses?—Yes.
77. Do you agree with what they have said?—Yes.
78. Have you anything to add?—I only want to explain how Rogge Bay used to be formed. It used to run in with a bight, so that all the fishing boats could lie one alongside the other; but now they have to carry them up some distance, for it has become a square beach. There is no bight in it.

79. And if the tramway were made it would be very inconvenient to the fishermen?—Yes; and another thing that makes our present place a good place for going out, is that there are rocks in front, which break the water off the entrance before we come to the beach. We still have this entrance now, although now it is not so wide as it was before; and all the other beach in other places is an open beach. Where it is not a sandy beach it is a rocky beach, with a heavy surf on it.

80. Mr. *de Wet.*] The beach was very wide in former days?—Yes.

81. And the boats used to lie alongside each other, and even be chained together with a chain and lock?—Yes.

Pieter Daniel Dixon examined.

82. Are you a fisherman?—Yes, for twenty-eight years now.

Mr. Pieter Daniel Dixon.

83. You are proprietor, also, of some fishing-boats?—Three or four; sometimes two.

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84. And you employ a number of fishermen?—Yes.

85. You have heard the evidence already given: do you agree with it?—Yes.

86. Have you anything to add to that evidence?—No; only to say that if the tramway comes through there, the fishermen will be driven away, and then we do not know what to do. When I became a fisherman first, we had the old market. Then they drove us away. They came and put down a lot of rubbish there, and drove us away.

87. And caused you great inconvenience?—Yes; then we said the market was ours, and why should they chase us away from it; so they said they would give us a better place, further down, closer to the sea,—the place we now have.

88. Is there not a great recoil of water from the causeway? Yes; there is such a swell, sometimes, that you must carry the boats right up into the market.

89. Which breaks them?—Yes, it smashes them occasionally.

Mr. Lezar re-examined.

90. Mr. *de Wet.*] Do you think that any of the fishermen make money, or is it as much as they can do to make a living on it?—Sometimes three or four days' bad weather comes, and then these people can earn nothing. Their living is very precarious. If we had a better place to dry the fish, then the people would earn more.

Mr. Lezar.

91. Do you think that a fisherman, if he works ever so hard, can lay by £50 a-year?—No, not £5.

92. Mr. *Godlonton.*] Do they go out night-fishing?—Yes; they go away, generally, between twelve and three o'clock, and come back in the afternoon.

93. Mr. *de Wet.*] How is it you have not decked boats, as they have in Holland, and elsewhere, for fishing purposes?—We could not use them, for we must have these little boats, because we must row them when we have no wind. If we had decked boats we would have to depend on sailing, and we could not then go out at night and make sure of coming

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back the same afternoon. It would thus be a loss to us instead of a gain.

94. Mr. *Godlonton.*] How far do you go out of the bay?—In the summer time to Hout Bay, about thirty miles off; but in the winter time only about fifteen or sixteen miles from the land.

Mr. *C. G. Prince* examined.

95. *Chairman.*] You carry on business as a shipwright here?—Yes.

96. Where is your yard?—Near the coaling wharf, between it and the north wharf.

97. The Harbour Board, I believe, intend to lay down a tramway near your yard?—They have already done so.

98. Will that be an injury to the shipwrights?—Very much so indeed. In fact, we are now precluded from landing a spar; for almost immediately abreast of our yard the tramway embankment is eight or ten feet high, so that it is impossible to launch a mast-piece over it.

99. Then, if the tramway is completed as proposed, you will be obliged to remove?—I expect we shall be obliged to do so.

100. Is there any other convenient spot to which you could go?—They have offered us a spot near the north wharf in lieu of the place we now have.

101. And will that be as convenient as the place you now have?—No.

102. Will the change inconvenience more parties besides you?—I believe it will.

103. Is the expense of the removal the objection?—Yes; it will cause us great expense.

104. What do you think that expense would be?—Well, our present sheds are not, perhaps, the very best, but, if left standing as they now are, would last ten or fifteen years more. If we have to break them down, half the material, perhaps even two thirds, would be useless, in my opinion.

105. Suppose the shipwrights are compelled to remove, will it interfere with the trade very much: I mean, that you will not be able to afford to shipping the same facilities for repair, and so on, as you have done before?—Well, I do not know where we would move to. There is no neighbouring municipal land, in the first place, and if we are to occupy Harbour Board land, Mr. Andrews might get it into his head

to give us notice to quit from there again. We hold our present ground from the Municipality, and not the Harbour Board.

106. Then the removal would interfere with the repairs to shipping: there would be less competition?—Decidedly.

107. Could any alteration or improvement be made in the line of tramway, so as not to inconvenience the shipwrights?—Yes.

108. In what way?—By merely having a drawbridge.

109. Leaving a sufficient opening in the embankment?—Yes, that is what we requested them to do; but they will not do it.

110. What is their objection?—The expense.

111. And what, in your opinion, would be the expense?—I should say it would not exceed £50,—between £40 and £50.

112. If such a thing were done, then, your objections would be removed?—We would be satisfied.

113. And the other shipwrights also?—I should think so.

114. Is there any objection on the part of the Harbour Board to accede to your wish in this respect?—They have already refused. As we hold the land from the Municipality, we addressed ourselves to the Municipality, and not to the Harbour Board; and I think you will see it reported in last Thursday evening's *Mail* that the Municipality has given the Harbour Board notice now that they must make the openings, according to the original agreement between the Harbour Board and Municipality, or else the Municipality will give them orders to remove the tramway.

115. Then it is your decided opinion that, if the tramway is completed as it is now going on, the result will be an inconvenience to the shipwrights?—I do not know what we will do if they do not give us what we have asked them for. We cannot launch a mast,—that is to say without great expense. We will have to go right through the road-way down to the wharfs.

116. Mr. Godlonton.] Can the tramway be taken in any other direction, so as to avoid all this inconvenience?—Well, I should say it could go at the back of the shipping yards, almost as easily as in front; but I have been told they do not know what to do with the supplies of material they are taking out of the dock excavations. I really do not think that a sufficient reason for obstructing our rights of pathway.

Mr.
C. G. Prince.
6th July,
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C. G. Prince.
Mr.
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117. What is the nature of the obstruction to which you refer, and by what is it caused?—By the tramway embankment rising ten feet from the beach, immediately in front of the shipwrights' yards.

118. But where did they get the material with which to construct this embankment?—I believe from the excavations of the docks, or from the other works connected with the Harbour Board.

119. Then the stuff excavated from the new docks is applied to this purpose?—I believe so—some of it, and some is used as ballast for ships. All the material comes from the direction of the harbour works; but I have never taken the trouble to go and look exactly where from.

120. *Chairman.*] Does this use of the material cause a shallowing or silting up of the bay?—I am hardly prepared to say. I could not state for a fact.

121. Do I understand you to say that the Municipality concur in the notice you have received from the Harbour Board?—Yes. Before the Harbour Board commenced the tramway they applied to the Municipality for permission to do so. Then a certain agreement was made between the Municipality and the Harbour Board. Certain openings were to be made abreast of each shipwright's yard, and, in case of any of the shipwrights building a vessel, part of the tramway was also to be removed, so as to enable him to launch the ship. That was agreed to. One month's notice was at first spoken of, but a little alteration was made there, extending the time to six months. Still it was agreed between them that these openings should be left abreast the different yards; but soon the Harbour Board took upon itself to close these again, and, of course, we addressed ourselves to the Municipality for protection, as we hold the ground from them.

122. And consulting the terms on which the grant was made originally, are you obliged to attend to such a notice to quit, whenever it may come?—We hold the grant on a very short lease from the Municipality.

123. But have the Municipality given you notice to quit?—Decidedly not. But I believe that they intend to sell the ground; I believe that they have already applied to Government for permission to do so, and it now is left with the Harbour Board commissioners, to whom the matter has been referred.

124. M. *Godlonton.*] Then, do I understand you to convey to the committee that in the event of the yards being obstructed in the way you describe, it will be a source of inconvenience to the shipping frequenting the bay?—It will be, to attend to any repairs going on in the bay.

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125. I am not speaking of you as an individual shipwright; but I want you to answer the question more generally. Do you think such an obstruction as you describe would interfere with the profession of shipwrights, and that it would thus be a serious inconvenience to the shipping in the bay? I think so, speaking not personally but taking the profession of shipwright generally, because you will not be able to haul a stage up unless you go to the breakwater.

126. The Municipality, you say, concurred in the tramway being laid down?—Under certain conditions only; and these were, as I have described, leaving openings abreast of each of the yards—that is to say, of each of the spaces of ground occupied as such.

127. *Chairman.*] Are you acquainted with the Rogge Bay fishing ground?—Yes; I have gone past there very frequently.

128. Would it cause inconvenience to the fishermen if the tramway were carried as proposed?—If it is to go as commenced, it would certainly be of very great inconvenience. I do not see how they will haul up their boats then,—that is, if the tramway goes as near the water at that part of the beach as it does at ours, namely, right in front of our stores; but I am not aware how it is intended to run it there.

129. Mr. *Godlonton.*] Are you thoroughly acquainted with the bay?—Yes, I have had a great deal of experience in it.

130. Are you of opinion that there is any spot the fishermen could occupy with advantage, except Rogge Bay?—Looking at the convenience of the public, their present spot is the most central and best. The only other spot is near the old port office, in that yard adjoining it,—that is to say to make it central for the benefit of the public.

131. What is your opinion on the score of health, as to having the fish-market so near to the habitable portion of Cape Town? Do you consider it detrimental to the general health of the public to have it there, or otherwise?—I should say it is detrimental. The market has not a very pleasant smell, certainly—in fact, a very disagreeable one—and it is worse in summer. If the fishermen were under certain

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regulations to which they had to attend, they could keep it very clean, because there is abundance of water there.

132. You say there is another spot near the port office ; but we have it in evidence that the swell there is sometimes so great that they could not conveniently land. Have you any knowledge of the fact ?—Well, I should say myself that it is not worse than where they are now ; but it may be. I should, however, think almost not, because it is protected by the central wharf.

133. *Chairman*.] But are the Harbour Board not going to fill up that part of the beach : to carry the rubbish there so as to reclaim the land in the neighbourhood of Rogge Bay also ?—I am not aware what they are going to do exactly ; but I have heard it is to meet the railway at the bottom of Adderley-street.

134. Mr. *Godlonton*.] Then, I understand you to say that on sanitary grounds, you think that the fish-market at Rogge Bay is objectionable ?—Decidedly.

135. And that the only other spot is that near to the port office ?—Well, in saying so I am looking to the convenience of the public. Decidedly, the spot where they now are is the most convenient.

136. *Chairman*.] Would not the port office site be equally objectionable on sanitary grounds ?—Decidedly, not being 200 yards from the present spot.

137. Could not arrangements be made for having the market better drained, by which it could be much improved ?—Yes. I think they could easily keep it clean by washing it every afternoon.

138. Have you anything further to communicate ?—No. We have applied to the Municipality for protection ; and I think we will be in a similar position to the fishermen if they do not give some redress, by allowing us some openings to get down to the sea.

139. *Chairman*.] Then you suggest simply a drawbridge : that, you think, would remedy the inconvenience that you will be under ?—Yes, the shipwrights ; but not the fishermen. I am not prepared to say what they will require.

140. You are speaking only for yourself ?—Yes.

141. Mr. *de Wet*.] Have you seen the direction the tramway will take ?—No, I have not seen it staked out.

142. Then you are not aware where it will cross ?—Only that portion of it which affects our yards.

Thursday, 9th July, 1863.

PRESENT:

Mr. WICHT (Chairman),

Mr. de Wet,	Mr. Godlonton,
Mr. Wood,	Mr. van Breda.

Mr. A. T. Andrews examined.

143. *Chairman.*] You are engineer to the Harbour Board ?
—Yes.

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144. Have you with you a plan of the proposed line of tramway—a plan showing that part of Rogge Bay by which the tramway is coming ?—Yes. [Plan explained to committee.]

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145. Perhaps you are aware that the fishermen complain of an interference that will be occasioned by this tramway ?—Yes. I have been down there talking to them before now, about a week or fortnight ago. I am down there twice a week, and I often see the fishermen, and have mentioned the matter to them ; but I must say that a considerable time ago, when I first proposed the matter to the Municipality, I thought that the best plan would be to bring the tramway along in such a direction as just to touch the corner of the fish-market, to keep clear of the landing-place. In company with the secretary of the Municipality and one or two of our own commissioners (Mr Jarvis, I know, was one), I went down to the spot, looked at it, saw some of the fishermen, talked the matter over with them, and showed them what we were going to do ; that we just wanted to go about seven or eight feet on one corner of the market, and that that corner would want raising about a foot. They did not make the slightest objection ; nobody, in fact, made any objection. The secretary of the Municipality was very anxious about preserving the rights of these men, and expressed a great desire that no impediment should be thrown in their way. I pointed out how it would be when the thing was completed, and the matter was agreed to. We then obtained permission from the Municipality. Nothing connected with the plan has since been altered,—the plan is in every respect exactly the same, and now we are beginning to fill in, as the fishermen see the line coming nearer they seem to be getting frightened.

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I think they have an idea that we are going across there in front of their boats, between their boats and the sea, very much the same as we are now tipping an embankment near the north wharf and the coaling jetty. Of course, that would block them out from the sea, but we have no idea of doing anything of the sort. We are going to lay the tramway across their market just the same as the tramway runs along Long-street. There will be no more interference with the rights of the fishermen than with the rights of the inhabitants of Long-street from the tramway being laid down along Long-street.

146. Mr. Wood.] If the tramway rails were brought to the upper side of the market, could that be done?—Of course it could be taken anywhere. It only becomes a matter of expense. As the line is now laid down, it is the least expensive way in which we can carry the works; and that is why we chose it.

147. How, if the tramway were brought to the front?—I call the front the part facing Cape Town; that would bring it just across the place where the fish is sold, which would, I think, prove far more inconvenient. The Sailors' Home, I may state, is very much higher than the land here. In front here there is a cutting seven feet deep, the land being high. It dips very fast towards the fish-market, and that is the reason why we raise the corner a foot to get a water-course. If we come along here, first of all the Sailors' Home property extends some distance, so that we must keep off that land. Then, if we come round here, we will have a considerable depth of cutting, so as to stop the carts, and there is a good deal of traffic there besides. To bring the rails on that side would be interfering just as much with the communication of the fish-market as on the other side. The only difference is, that on this side the customers are interfered with, and on the other the fishermen.

148. Chairman.] Could you not raise the tramway on piles, so as to allow the fishermen to haul their boats through the openings underneath?—Not to get any height. We must cross this on a level: besides, the expense. If we were to come along here on piles, it would be an enormous expense. It would cost us more than to carry it over the adjoining lands in other directions. We must cross the causeway on a level, because we are filling in the ground to the same level. The rails would make no difference in the

ground, which would be perfectly flat, so that perhaps you would not know there were tramway rails there. I consider that coming round the other side would interfere with the fishermen just as much. I cannot see the slightest difference. A railway truck coming past there would cause the whole number of people selling fish there to shift. There is always a large crowd of people buying there, and just perhaps when they were all standing there, up in a moment comes a wagon and sweeps the whole lot away ; whereas, to bring it as now proposed would merely bring it where they are unloading their boats, moving their boats and tackle, and so forth.

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149. The fishermen say that they have a vested right in the market, conceded to them since the colony was established ; they, therefore, object to being driven away, and the committee is anxious to find out if there is not some other way of carrying the line across with less inconvenience ?—I think not.

150. The great objection they seem to have arises out of the difficulty they will have in taking care of their boats. They say that they will be unable to get their boats up into the fish-market, as they do now, when rough weather comes on ?—We will not interfere in the slightest degree with the hauling up of the boats, not an atom, for having to haul their boats over a well-formed tramway line will in fact be better for the fishermen, seeing that now they have to haul up their boats over what is no ground at all. It will only be on very rare occasions that they will have to haul their boats right over the tramway line, which, even then, as I say will be better than having to haul them over broken sandy beach. It will, in fact, be a relief instead of an inconvenience.

151. Then you think the tramway will put no obstructions in the way ?—It will be a public street to all intents and purposes. Carts and vehicles of every kind may drive over it, just the same as you can over the tramway in Long-street. You see how they have filled in the ground there, so that vehicles can easily drive over, and the people living in the houses on either side therefore do not ever complain that they cannot drive up to their houses if they require to do so. The trucks will, moreover, only pass once an hour or once every fifty minutes ; and instead of going five or six miles an hour, as the tramway does, it will only go about two. The little children, the fishermen say, will be ridden over ; but it

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will be seen that we do not come along so quickly, if we pass at the rate of only two miles an hour, that they cannot easily get out of the way. The same tramway goes on to the coaling wharf. It has been laid down there three years, and there has not been a single complaint of interference with any person, or that a single person has in any way been hurt. And yet it is the very same line, has been laid down three years, cut across the public streets in that direction, near the north wharf, where there is two or three times as much traffic as at the fish-market. I am certain that when the line is laid down and the fishermen see it when it is properly finished, they will be surprised they ever complained. I say, let us lay it down, and if they do not like it we will undertake to pull it all up again, because I am certain it will do no harm. Then, again, we have at the present time a large piece of land occupied by shells and timber. I have recommended that they be all cleared away, and that will give the fishermen an additional place for laying their boats,—twenty times as large as the bit we are now going to take from them for the purposes of this tramway. Besides, this is a public street, or a continuation of a street, and they are not allowed to put their boats there.

152. They say they have a right granted to them by a document?—They have no right to that part. They have a right to the beach, but not to a public street.

153. They state they have been driven away from their first grant, and have been compelled to go from spot to spot?—Of course, as the beach has been made, they have been obliged to move lower and lower down till they get to the sea.

154. But the fish-market was there before there was any street, and therefore you have trespassed upon them?—No; the fish-market could only have been there since the land was made. This land has been filled in at the expense of the Harbour Board, and was then occupied by the fishermen.

155. Their former fish-market used to be higher up?—I believe so. As the land filled in, they came down to the sea; and if we fill in the ground in front of them to seaward, as we no doubt will, they will be compelled to go further down still; but I cannot understand their claiming any part of that land except the beach. The Government granted to the Sailors' Home a large piece, and it might as well be said the Government had no right to give that, for it

belonged to the fishermen. We also sold a considerable portion of the land about there, and are going to sell more, and the fishermen might as well stop us from doing that. They cannot claim the whole land ; they may claim the fish-market and the beach only. A year or two ago, I remember, a large quantity of timber was landed on their beach. The weather became rough, and the timber did some damage to their boats. They made some sort of complaint to the Harbour Board, that it was allowing the merchants to bring their timber in this way to a spot occupied by the fishing-boats only ; so an order was given by the Harbour Board, and the whole was removed, and we have never allowed any to be landed there since. We, therefore, do what we can to protect the fishermen's right to the beach in this way.

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156. Mr. *de Wet.*] What quantity of land do you calculate the tramway will take from the fish-market ?—Not an inch.

157. I see from the plan, it will run over a corner of the market ?—It will run over a corner, true, but when the rails are laid, the ground will be levelled again, and it will take nothing off the market, which can be used as formerly.

158. Mr. *Godlonton.*] Then you are decidedly of opinion that the tramway will cause no inconvenience whatever ?—So much so that I recommended the board to let me go on laying the tramway along here, finish it up properly, and then ask everybody to come and look at it. If any person then—unless, of course, he does it maliciously—will say that the tramway, when so laid and finished, is any detriment to the fishermen, I will take it all up again and go somewhere else. I am so satisfied that these people will then be surprised that they ever raised any objection. First of all, they probably will not be able to find the rails, unless they scratch with the foot for them.

159. Mr. *van Breda*] The fishermen say they have been driven away from one place to another, and that they have suffered great loss in consequence of these repeated removals. One of them says he lost £300 in removing his shed, and in consequence has not been able to cure so much fish for export ?—At one time the whole of the land round about the Chavonne was waste land, and those who occupied it paid a small amount. When it became of great value for the docks, &c., it would not do that that land should be reserved for these occupants' special use.

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160. *Chairman.*] As you are not aware of the exact complaints made before this committee by the fishermen, allow me to read to you the evidence they have given. [Evidence read.] Having heard this, do you think it would be an inconvenience to the fishermen to lay down the tramway as proposed?—I know their objections well, having had long talks with them on the subject, and from all you have read I am not a bit more enlightened. I have not learnt a single point more than what I wanted to know before. I went down and asked them what inconvenience they expected the tramway would cause them. First they said they would not be able to cross on account of the trucks, that the tramway would stop their going into the fish-market. That is quite fallacious, as I showed them, because it would be no more than a public street. It will be the same as any street in Cape Town when the tramway is laid down. You can take anything over it. Then they next said there were always little children about, and we would run over them. The wagons would come so quick and they would be so continually coming that the children would be run over. That also is all wrong. The wagons will not pass except at intervals of about three quarters of an hour or so, and at the rate of only a mile and a half or two miles an hour. I told them there was, therefore, no fear on that score. I said, “What else is there?” and they could not tell me; they could not mention any other point.

161. Will it not interfere with their drying ground?—Not a bit.

162. They say they will have to remove their scaffolding poles to make room for their boats?—We want ten feet in width in the middle of their drying ground, and we will give them thirty or forty feet elsewhere, that is three or four times as much as we will take; so they cannot object. And another thing is, this present piece of land they have is only on sufferance from the Harbour Board. They have asked us to lend it to them, and we have done so; but at any time we could take it away, irrespective of the tramway, and sell it. They are allowed to put up their poles for drying fish: they asked us for permission, and got it. Just the same as these buildings round about it are rented. We do not want the ground, and therefore let it to these parties, but would turn them out to-morrow and let it better at a high rate.

163. Then do you suppose these fishermen have no vested

right in that ground there?—They have only had it about a month or so. They could not claim a vested right on the strength of that.

164 You do not know whether they have a right by prescription?—I only know that since the ground has been filled in, a shed was placed there. We let it to a party in Cape Town, and about six weeks ago it returned into the hands of the board, which allowed the fishermen to occupy it at a rental of a shilling; so they cannot well complain about that: we could clear them away to-morrow.

165. Do you think it expedient to clear them away?—If we wanted to sell the land and turn it into streets, the board would do it.

166. Would it not, then, become expedient that the Legislature should interfere to protect the fishermen?—I do not think that when men come to the Harbour Board and ask permission to put up poles on certain ground, or to occupy a shed belonging to the Harbour Board, they can in six weeks turn round and say they claim it as their property. If the fishermen say, "We got these poles put up by permission from you, and now you want us to take them down again," then I think they come with a very poor tale; but if they say they claim the ground as their property and we are never to take any part of it away, they may stop all access. As far as the beach itself is concerned, I consider that they have a very great right: in fact, nobody else is allowed to land there. That is a different matter. As far as the ground used for drying fish is concerned, and that shed, they have no more right to it than they had six weeks ago, when they were not there. We do not attempt to touch the beach, or to affect the fish-market in any degree: we only wish to lay a line of rail on the surface of the ground, which at the present time is dirty and sandy, but will be paved by us with hard stones; and when that is done it will be ten times better than it is now.

167. *Chairman.*] What is your objection to laying the tramway on piles?—Expense: we should have to go up not less than twelve feet. It would cost a tremendous lot of money, and would cause the greatest inconvenience. Surely, if you can lay a tramway in your principal streets, there is no reason why this one could not cross in front of the fishermen.

168. Could a boat-harbour be made at Rogge Bay for the fishermen?—It could be made, perhaps, where there is deep water, but it would be expensive.

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169. Perhaps you are not aware that a great part of the coloured population depend on fish?—Yes, and I would be the last person to say, do not study the fisherman's interests. Why, I allowed one man to stay at the Chavonne with his fish-drying ground for a very long time after I could have made him leave. As for what that witness says about the board turning him out, it is entirely false. That was a piece of ground the property of the Municipality; they handed it over to us at a high rent and gave him notice that he would be turned out, and I say the Municipality ought to have recompensed him. We pay £90 a year, I think it is, for that land where this fisherman was, and I allowed him to stay there twelve months, at great inconvenience to us, till he could get another place.

170. Mr. *de Wet.*] But are you prevented from still giving the tramway another direction?—It comes to quite a matter of expense, as I have already said. We should have to come through the heart of the town, and then the expense would be very high. It would cost us a great deal more to fill in. We would have to employ fifty per cent. more labour, and instead of the whole work costing us £5,000, it would take £10,000 or £12,000. It is not only the matter of expense even, for then the tramway would come through certain streets. There are always people in those streets, and the merchants have large stores in them. One of these merchants perhaps will be signing a petition and saying: "This tramway comes right up to my front door. I can't bring my goods out of my warehouse. It must be stopped." I think our present plan is the best one, and that it will least interfere with anything.

171. In the event of a boat-harbour being constructed for the fishermen, would it not keep the beach clear from boats, and clean?—The fishermen do not, I think, make the reason of their preference for this one spot so clear in their evidence as they otherwise might. It is the only place in the bay where the beach is sufficiently flat to enable them to drag up their boats. They bring their boats up till they touch the sand; they then run into the water, and run them up out of the surf. There is not another place round the bay close by where they could do that so well.

172. I believe, also, another reason they give is that the swell is broken by rocks which protect the entrance?—There is a very heavy swell there, as much as anywhere; but it is

the good character of the beach they look to more. If they run into water at other places, they are in deep water directly; while here, instead of a man stepping in at once up to his middle, he only steps in an inch or two, and unloads the boat easily.

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173. The fishermen were asked whether a kind of stage could not be erected for them elsewhere?—No; I do not think that would do. I have seen those heavy cargo-boats come with heavy blows against the jetties, and have their sides smashed in, strong as they are. The only place where the boats touch now is the sandy beach, and nothing could be better than that. I repeat what I have already said, that I am certain that when the rails are laid down, the fishermen will be surprised to see what it really is they have been objecting to. I know they have most erroneous ideas. Some of them have been down to the places on the line where they are filling in, and say that if it comes across their place like that, it will be dreadful; and so it would be. It would block them up entirely; but if you were to tell them go and look at any of the streets crossed by the Green Point Tramway, this tramway is going to be like that, they would make no complaint.

174. Are you aware that tramways are considered a nuisance even in London, and that they have there been obliged to take them up again?—No; that was a political matter. In the parish in which I lived for years, and know everybody, a petition was signed in favour of tramways by half a million people. The fact was, the Lambeth vestry gave the proprietors the right to lay down these tramways, and then another vestry came into power with an opposition, like a change of ministry, and swept it all away.

175. But they applied to the courts?—Yes, they got an injunction, deciding that the vestry had no right to give up the parish streets to a company.

176. Mr. *de Wet.*] What is the grand object of this tramway you are laying down?—To bring up the material from the harbour excavations, throw it into the sea, and fill up six acres of land at the back of the shambles.

177. In order to form a quay?—To do anything. We now throw this soil away beyond the hospital into a great bank, doing no good, just to get rid of it. The commissioners asked me, could not I turn this soil to a good purpose; and I said that if it were thrown into the sea up about the

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central causeway it would make about five or six acres of land.

178. So that the expectation held out to these fishermen, that on removal from Rogge Bay, they would get, by way of compensation, a piece of ground on the other side of the causeway, near the port office, would then also vanish?—I do not think any spot there would be suitable for them, and therefore would not hold out any inducement of that sort.

179. Some time ago, I recollect, they were told that if Rogge Bay were taken away from them they would get a piece of ground on the other side?—We do not intend to take a bit away. We only ask for a right of way, which, in fact, will even much improve the place it crosses. Our trucks passing along will not be so much inconvenience to the people as a street wagon. While down there the other day one or two mule-wagons drove right among them, and I said that they did more in the way of obstruction than our trucks would cause in a whole day.

180. I see, however, from the plan, that it would clearly cut off the fish-market to some small extent?—I have already explained that you cannot say it “cuts off,” because when the rails are laid down that part of the market will be used as heretofore, except at certain intervals, and then the stoppage will be but temporary. The rails will not interfere with the market. For instance, if a bar of iron were let into this committee-table, flush with its surface, it would not spoil the table for use, the only thing would be that instead of having a covering of cloth all over it, there would be a bar of iron in one portion.

181. But suppose fish were placed just on the spot these wagons would have to run over?—If that is found to be any real impediment, I will remove the tramway. I have laid it down crossing this corner of the market to save pulling down the house near by which belongs to us, and which would otherwise be in the way; but I can shift the rails and bring them so as to make it necessary to take off eight or nine feet of this house, and then we would not touch the fish-market proper.

182. Suppose the fishermen were in the act of hauling their boats across the rails, and the trucks came up at the same time?—The fishermen would have to stop half a minute. Suppose any one were driving along there; suppose, for instance, I were driving along in a carriage, or carts were

to go along, as frequently happens, just as they were hauling up their boats, they would have to stop, as it is, to let you pass.

183. Mr. *van Breda.*] You are well acquainted with the site of Rogge Bay?—Yes.

184. Is there any impediment in the way of hauling up the boats at present?—No more than the rough nature of the ground, and the very bad state of the beach, because it is all rough stones, and dirt, and sand; there is nothing like a decent beach.

185. But that does not interfere with the hauling up of the boats?—If smooth and of good soil, the better for them to haul the boats up.

186. Is it not a good sandy beach?—The beach is sandy, but I am speaking of that part of it above the wash of the sea.

187. They have no difficulty in hauling their boats up: they get them up easily, do they not?—I have seen many better places, but where they are is the best place in the bay.

188. I believe you say that the height of the tramway rails will be eighteen inches?—About a foot or eighteen inches higher than the present surface of the ground.

189. Will not that cause great inconvenience?—Not a bit. The beach at its crest is rather higher than below; it rises up from the sea slightly to the crest, and then it falls about nine inches from the crest to the market. We should fill that swell up with soil and bring the ground all around up to the surface of the railway, and by a drain we will take off all the surface water; that is, we will keep the rails up about a foot, so that there will be no step in, for the ground is at present so swampy that a lake or small pond is formed after the rain. This is what we want to avoid.

190. Have you ever seen the crowds of people down at Rogge Bay when the fishing-boats arrive?—Yes

191. What number do you calculate there are there when there is a rush for fish in this way?—I could hardly say; but a great many come.

192. A thousand?—I should say not half that number. They collect in a very small compass, and, being thus very thick together, the number seems larger than it really is.

193. Do you include men, women, and children in your estimate?—Yes, including all; but, of course, the greatest proportion is of men.

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194. Do you not think the space that will be left for these numbers will be very small?—Not a bit; because, where do they go? Not where the tramway runs; they go into the water.

195. But they must cross the rails in going to and returning from the beach?—Yes; just the same as they would have to do if you put the rails anywhere between the town and the sea. If you were to bring them up into Strand-street they would have to be crossed.

196. Can you recommend a better place than the present for the fishermen,—a more convenient spot for the boats landing?—I do not think so, not naturally formed. I speak within the limits of the jetty. If you go further down, towards the military hospital, you might, perhaps, find a place; but it would never do to go so far away from the houses.

197. You know that when all the boats are hauled up on the beach at Rogge Bay there is a very large number collected on that one little spot?—Yes.

198. Do you think there will be room enough there as the numbers increase?—If we have all the shells cleared away, and the timber also, which is now there, there would be room for nearly double the number.

199. Is there not about Rogge Bay a great quantity of fish offal which, if the market were removed further up, would prove a great nuisance to the public?—They throw it at present over the whole of our piles, so that it is a nuisance as it is. I have some timber there in stacks, and I have, in consequence, to turn it over pretty frequently and send men to clear away the offal. They throw it between the timber.

200. Are you aware that the Municipality keeps the beach clean?—I only know that my men tell me that the timber is at times in such a state that it must be turned, and it costs me £6 or £7 to clear it over. This timber lies opposite the end of the fish-market, and is used by these men as a place for cleaning their fish, throwing the offal between the logs. As to the Municipality, I never saw them lay out a farthing or have a man upon the beach; but I employ men along the whole beach to clean it. When the beach gets rough in any place they bring a cartload of dirt and fill it up. We have laid down some hundreds of cartloads in the neighbourhood of the fish-market, where if I find any great holes I have them filled up.

201. Mr. Wood.] Have you an Act of Parliament for

laying down this tramway?—No; but I should think that our Act extends so far, for it includes all the beach from Fort Knokke to the Chavonne, between which limits we have the power of doing anything along the shore.

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202. Mr. *de Wet.*] In what direction is the tramway to continue—in the direction of the breakwater: is it to go behind the Amsterdam?—In front. It comes across the north wharf about the middle of the causeway, near the Queen's warehouse. Then it comes through what now is the water, till it reaches the Sailors' Home, where it again takes the beach line and travels along this fish-market corner of the beach, as shown on the plan.

203. Am I to understand you, then, that you intend filling up the ground in front of Mr. Letterstedt's store?—Yes; we run a slight embankment right through the water from the north wharf to the Sailors' Home. As for bringing the tramway at the back of the fish-market, I would point out that everybody selling and buying fish—and there are always large numbers—would, when the trucks pass, have to get up and go on one side for a while; while the beach population, further down, is a moving population, which could easily so shift itself as to let the truck pass, as it does now on the approach of any cart or vehicle.

204. But still they may be on the rails at the very moment that the wagon passes?—Just the same as in Adderley-street you might be in the way of a cab, and all you would do would be to step on one side till the cab passed. Vehicles do not stop under such circumstances. It would be the people who are in the way of the tramway that would have to move off the rails.

205. But suppose they were hauling over their boats?—They do not do that often, only on the approach of rough weather; and in such a case, if a boat was seen to be being just hauled over across the rail, the wagon would, of course, stop. When we come across by the north wharf, if there is a mast-piece coming from any of the ship-yards, the men stop the wagon till it is passed. The break is put on, and the wagon is stopped in a minute, without inconvenience to anybody; but we generally expect people to give road to us, and not we to them, when there is no reason why it cannot be done. You would hardly stop a vehicle for a child to pass; you would make the child get out of the way instead of the vehicle. It will be just like walking in a public street, where you have to keep to the rule of the road.

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206. Mr. *Godlonton*.] You have stated that the object of this tramway is to give convenience in the removal of your débris, with which you intend reclaiming certain land. What do you then propose doing with that reclaimed land?—I have never heard it mentioned. One idea—the first idea—was that the railway station should be there. The first idea of filling in the land was only to fill in a narrow strip, a very small piece, about half an acre, on which to place this station. As there was then no board yet appointed, and I had not been a month in the colony, I waited upon Sir George Grey with this plan, with which he was very much taken. There was a meeting of all the officials to consider the matter, and I got an order to go on at once; but, through want of money and a good many other things, I waited till the present board was formed, and from them I got instructions to go on with the reclamation. I believe it was partly on the ground of this plan having been mooted that the temporary railway station was put up, for there cannot be a better place for a permanent railway station than on this reclaimed ground.

207. This land, when reclaimed, will be very valuable, will it not?—If the Government do not take it away for railway purposes, and give us nothing for it. It will cost a good deal of money to fill in. There are two estimates—one £3,000, the other £6,000, which, I think, will be the actual cost.

208. *Chairman*.] Is it not intended that there shall be a permanent rail from the breakwater works to the Central Causeway?—There is some idea of having a permanent railway to join the Cape Town and Wellington line, when the docks are finished; for when the docks are opened, and the shipping are all lying in that quarter, it will never do to unload in Cape Town and then have a separate re-carriage of goods over to the docks.

209. Would you fence that rail in?—That would be a regular permanent railway, worked by a locomotive, and having gates, &c., as is ordinarily required.

210. Would that not inconvenience the fishermen?—We cannot yet say where such a permanent rail would cross; but this tramway of ours is merely a temporary tramway while the ground is being filled in. We will have it filled up in two years, and then the whole will be taken up and removed. There is no idea of getting in the thin edge of the

wedge, and then laying down a permanent line; this idea never struck me. Allow me to tell you that there is a reservation in the grant of this piece of land to the Sailors' Home, that a corner of it can be cut off; so that we could at any time bring a tramway through here on to the Parade to join on to the Cape Town line; or, for any other purposes, we could come through these streets and up on to the present terminus.

211. So, then, from what you have said, the tramway will not be permanent?—No; we only keep it down while we fill in this ground, and the moment it is done the rails will be carried away, for they will then be wanted elsewhere.

212. *Chairman*] One of the witnesses examined was a shipwright, who complained that there will be no openings left in front of the yards, so that there will be no access to the sea?—There was an arrangement made with the Municipality, by which certain openings were to be made by the Harbour Board in front of these yards. The Harbour Board considered that if it found these shipwrights other places it would not be bound to make openings, and so the question remains. One shipwright accepted our offer of another piece of land, and the matter is now entirely in the hands of the harbour commissioners. I have nothing further to do with it.

213. You do not know, then, whether compensation will be given to these shipwrights for the injury they will suffer by removal?—I know nothing further than that I wrote to the commissioners of the Harbour Board and told them that I was waiting for instructions whether I should, under these circumstances, make these openings, or what else I should do. It is a matter more in the hands of a solicitor than of an engineer.

214. Mr. *Godlonton*.] Would it not be better and more convenient if you were to meet the committee on the spot at Rogge Bay, where we could, by personal examination, and explanation from you, ascertain the exact circumstances of the case?—I will be ready to meet the committee on the spot at, say, 2 o'clock on Saturday next. I think that really it would be almost the best thing for the commissioners to lay down a piece of tramway at Rogge Bay, just to show what is going to be done. It would not cost us £10, and I will then undertake, if it is fairly found to incommodate anybody, to take it up again. These men have no idea what the tramway is

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really like, for you hear them talking of the "engines" running along, whereas everyone knows no "engine" will ever come along there.

Mr. *P. B. Borcherds* examined.

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215. *Chairman.*] You are an old resident?—Yes.
 216. And know the fish-market very well?—Yes.
 217. You know that certain privileges at Rogge Bay have been granted to the fishermen almost from time immemorial?—Certainly, within my recollection, for 60 years.

218. It was incidentally stated by one of the fishermen, in evidence, that the old fishermen had a document giving them a certain right to the fish-market. They say they have mislaid it. Was that a document granted, when this was a Dutch colony, by the Government or the Burgher Senate?—I do not know of such a document; but, if there was one, it came from the Burgher Senate, as the Municipality was then called. Everything of this kind emanated at that time from that board.

219. Have you been down to the Rogge Bay beach lately?—No. I am not acquainted with the present locality of the fish-market, for I find they have changed the old locality, to which I have been.

220. *Mr. Wood.*] You say you have been acquainted with the town for some sixty years?—Yes.

221. Are you aware whether there are not certain spaces in town laid out for markets,—certain squares, I mean, such as the Green Market?—Yes; the Green Market is within my recollection.

222. Any others?—The two parades; namely, the Grand Parade, and Caledon-square, or the Small Parade as it to be called, in front of the barracks. Hottentot-square used also.

223. Was the fish-market not a square?—No; it was along the beach; but afterwards a square was formed, in which there was a pump.

224. How many years ago is that?—I think twenty or twenty-five years ago, and more. At that time I have a faint recollection the fishermen were ordered to sell their fish within the precincts of that square, by, I think, the Burgher Senate.

225. Then, do I understand you to say that the Burgher Senate had a place cleared for a fish-market?—Yes, according to my recollection. Formerly, the fish-market was all along the beach, and then, as I say, this square was built, in which there was a pump; and I have some recollection that at that time the Burgher Senate framed a regulation that fishermen should, in selling fish, confine themselves to that spot.

226. Which spot, after being so set aside by the Burgher Senate, was used for this special purpose?—Yes.

227. And no other place was allowed to be used?—There might be, perhaps, along the beach; but that spot, I know, was specially appointed as the most convenient spot on which to sell.

228. These other squares you have named,—did the Government or the Burgher Senate give title to them, or was there an understanding that they should be reserved for special objects, for the benefit of the community?—No; I do not think Government gave a grant. At the time these markets and squares were reserved, the surrounding buildings showed their extent.

229. Did they become public property?—Yes. I do not think there could be any encroachment without the special authority of the Burgher Senate. Such is my impression.

230. And do those squares still exist?—Yes.

231. From your long experience in the town, do you think the fish-market of great importance?—I consider it of very great importance. A number of very useful inhabitants maintain themselves by the fish-market; not only persons employed in the fisheries, but the consumers themselves.

232. As an item of food?—Yes. The fishermen are a class of the community requiring the greatest protection.

233. Then, if you interfere with the present market, do you think that would be an injury to the town?—Any interference would be an injury both to them and the town generally.

234. And would that lead to an increase in the cost of fish?—If it inconveniences a class of producers, it must have that effect.

235. From your great experience of the mode in which the Burgher Senate conducted business, do you think it possible there are any records in existence of what it did in respect to the fish-market?—I think so. At one time I

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remember the boats were chained together every night, to prevent smuggling. This gave cause of complaint to the fishermen, and, if I recollect, they presented a memorial to the Government praying that this restriction might be removed, and they succeeded in getting it removed, so that the boats were then able to go out at any time at night. That was their object. This must be upwards of thirty years ago. Looking at the matter in that point, we must consider that they were protected by Government even in the privileges attaching to their occupation as fishermen.

236. Mr. *de Wet.*] You are aware, Mr. Borchards, that although the fishermen were brought under the necessity of selling their fish and keeping their market on that spot you have referred to, Government never interfered with their right of using the beach wherever they thought proper for the purpose of hauling up their boats?—Never.

237. There has not such an interference ever taken place within your recollection?—No.

238. I believe the records will even show that ever since the establishment of the colony that place has been used as a spot for hauling up boats?—As I have said, certainly for sixty years.

239. Mr. *Godlonton.*] Then you are of opinion, Mr. Borchards, that any undue interference with the fishermen would be a public injury?—Yes; it would be a serious injury, not only to the persons carrying on the occupation of fishermen, but to the community at large.

240. On sanitary grounds, do you not think the fish-market is so close to the thickly-populated part of the town as to make it very objectionable?—It would be difficult to select a central spot more healthy. By keeping the market properly clean, as it ought to be, clearing it daily, I think all unpleasantness might be removed.

241. You believe, then, that under proper regulations, all objection on sanitary grounds would cease?—Yes.

Saturday, 18th July, 1863.

PRESENT :

Mr. Wicht (Chairman),

Mr. Godlonton,	Mr. Wood.
Mr. van Breda,	

Mr. Jan Pieter Eduard Faure examined.

242. *Chairman*] You are an old resident in Cape Town, I believe?—I have resided here from the beginning of 1807. *J. P. E. Faure.*

243. And you were formerly employed in the Burgher Senate office as clerk?—I was. *18th July, 1863.*

244. Do you recollect the time when the Burgher Senate had the fish-market established at Rogge Bay for the fishermen?—Yes, I do. It was between 1820 and 1824, I believe, —that is to say, the new fish-market; but the old fish-market was near the sea-beach.

245. Then there was a fish-market before the fish-market of which you speak?—Yes, there was a fish-market along the sea-shore; but this other one was enclosed and made something more of a market.

246. According to your recollection, had the fishermen the liberty of hauling their boats up in the neighbourhood of Rogge Bay and vending their fish there without let or hindrance from anybody?—Without any hindrance at all. In fact, they were obliged to land there; the authorities went so far that at night the boats were chained up together at that spot.

247. No cargo-boats were permitted to land, I suppose, at that particular spot?—No; there was a military guard looking after it.

248. So that the fishermen had the uninterrupted right of that part of the beach for a great number of years, as far as your recollection can go?—Yes.

249. Mr. *Wood*.] When that was the fish-market, under whose control was it?—I believe it was under the control of the Burgher Senate, that is—of the old Municipality; and then afterwards taken over by the Municipality, I suppose.

250. When you first knew it, was it under the control of the Burgher Senate, and then afterwards taken over by the Municipality?—No; I do not know certainly whether it was taken over by the Municipality, but I think so. It must

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 1863. have been, I suppose, when the Burgher Senate had ceased to exist. Previous to that, it was always under the control of the Burgher Senate.

251. Do you happen to know whether there would be any record whatever in the Burgher Senate papers with reference to this fish-market?—Yes; they built the fish-market between 1820 and 1824, and had the control of it; in fact, the fishermen were obliged to bring up their fish to that market to dispose of it.

252. You are acquainted with the different squares in this town?—Yes.

253. Do you happen to know whether the Municipality holds title to them, or whether they are in any way secured to the town?—I do not know in what way they are secured, but from my first arrival here they were always under the Burgher Senate, and I think were the property of the Burgher Senate.

254. The whole of them?—Yes; because the Burgher Senate levied taxes upon all persons possessed of houses and property.

255. Were these squares considered as necessary for the comfort of the town?—Most undoubtedly.

256. And during your official residence here and connection with the Burgher Senate, were they kept with that view, namely, for their convenience?—As far as the Burgher Senate were concerned, they kept that object in view; and I do not doubt that the Municipality, which succeeded the Burgher Senate, has done the same.

257. But, as far as your experience goes, it was for that purpose?—Yes, exclusively.

258. And do I understand you to mean that the fish-market was held on the same grounds?—Yes. There used to be the Rogge Bay battery standing there, and that belonged to Government, together with the guard-house, but nothing else. But proceeding higher up the beach, I know that behind the site of the old gaol and present custom-house was the Admiralty department, and the road there was blocked up, so that you could not go from the fish-market to the shambles without going along the streets.

259. Then do I understand you to mean that you look upon the fish-market in the same light as upon the different squares, namely, public property belonging to the city?—I do; except the Parade, which belongs to Government.

260. But I mean only the squares?—Yes; I look upon them in that light.

261. Is the town generally largely dependent upon the supply of fish as an item of food for the inhabitants?—Yes.

262. From your long residence in the town, can you state if anything were to take place to increase the cost of fish, would it be felt as a burden upon the inhabitants generally? —I think so; because any interference with or removal of the fish-market would increase the expense to the consumer. If you remove the fish-market to any other place, the fish must be brought in carts, by rail, or in boats; and that must increase the cost of fish.

263. And you conscientiously believe that that would be a burden upon a large portion of the community?—Most undoubtedly.

264. Mr. *Godlonton.*] Are you aware of the course of the proposed line of tramway?—No; I am not. I have merely seen its direction from the jetty, but have not examined any plan.

265. Then you cannot state whether, in your opinion, the proposed line of tramway, by cutting off the corner of the fish-market, would be an injustice?—No; I cannot say.

266. You state that the fish-market was established by the Burgher Senate?—I do not know whether it was established by them, but it was in existence when I arrived here, when a child, and since then it has always been considered the property of the Burgher Senate.

267. Are you under the impression that the Burgher Senate was empowered, or had the authority, to remove the fish-market, if they had thought it necessary, to another spot? —Perhaps they might have had the authority, with the sanction of Government; but the Burgher Senate could do nothing without the sanction of Government.

268. Not in those days?—No. In as far as I know, from the proceedings of the Burgher Senate, any proposal as to the removal of the market would have to be laid before the Governor for his approval or disapproval.

269. You are acquainted with the Green Point tramway? —Yes; but not on to Green Point.

270. But still you have seen the mode of construction?—Yes.

271. Do you think that such a tramway running across the corner of the fish-market, as it is at present situated,

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J. P. E. Faure.* would very seriously incommod the fishermen?—Yes, if you stop their mode of landing.

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273. I am saying, should it be no more than what you see laid down on the Green Point line, do you think it could interfere essentially with the fish-market?—I should think not; but they would require a little more assistance in carrying their boats.

274. The engineer of the Harbour Board has stated to us that the construction of the tramway will facilitate that rather than otherwise, inasmuch as they will lay down the proper line, and make the ground hard, whereas it is now loose and sandy; I therefore want to know your opinion on the subject, as a very old resident, whether, regarding this as a public undertaking, if it were shown to you that it does not in any way interfere with the fishermen more than the Green Point tramway does with other parts of the town, you would think it objectionable to lay it down as proposed?—If it does not go higher than the beach, I should think it would not interfere with them.

275. *Chairman.* You have not been down there lately, you say?—No.

276. Then you have not seen certain scaffolding put up for the purpose of drying fish?—No.

277. You have not seen, either, that the tramway will interfere with a certain shed belonging to the fishermen?—No.

278. So that, not having seen the spot lately, you are not prepared to give an opinion?—No; I merely state my impression.

279. *Mr. Wood.*] Would you be good enough specially to examine the spot in connection with such members as the committee may appoint, and then give us your opinion?—With pleasure.

Mr. John Saunders examined.

*Mr.
John Saunders.* 280. *Chairman.*] You are secretary to the Harbour Board?—I am.

281. I believe you wish to put in certain documentary papers bearing on the question now before the committee?—

Yes, I wish to put in correspondence which has taken place between the Municipality and the Harbour Board respecting the line of rail crossing the fish-market. [See Appendix B.] Also a communication from the resident engineer to the Harbour Board explanatory of the question as it came before them,—namely, through Mr. Zeeman's petition. That petition was referred to the resident engineer for his report, which runs thus. [See Appendix C.] I may state, as the purport of the correspondence, that when the tramway was first suggested we wrote to the Municipality, informing them that tramway rails were about to be laid down, and that it would probably inconvenience some of the shipwrights, on which account we were prepared to leave openings in front of their yards; and also stating that it would cross the fish-market. The Municipality wrote back granting us the liberty, but requesting that the line should not be carried across the fish-market; and then the board's reply to that contains a remark which, perhaps, I may be allowed to read, as it draws attention to one fact which I wish should be brought to the notice of the committee: "That in order to obviate the serious inconvenience that will result to the fishermen if the line is carried more seaward than is proposed, thereby preventing their boats from being hauled up, it should be permitted to cross the south end corner of the fish-market, which will in no degree interfere with the space required for the vending of fish, and, as I have ascertained from the fishermen themselves, will be far more to their interests and accommodation." We went down to the fishermen and explained to them at that time, namely in March, 1862, the direction of the line of rails, and told them that instead of carrying it along the beach, which really would prevent their boats being hauled up, it would come in the direction now shown on the plan. They all cordially agreed to it; not a single word was spoken, not a suggestion made in opposition, no fear expressed that it would affect the landing of the boats. On this the secretary of the Municipality came down, and we pointed out to him also what the intention of the board was; and on that we received a letter from the Municipality, agreeing that the line should be laid down. From that day until this petition was presented, I never heard a single word of complaint from the fishermen on the subject, although I am down there continually, and although they have several times come to me when on different occasions they wanted little things done for them.

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1863. Once or twice some of them have applied to rent a piece of land on which to put their fishing gear, and the board instead of charging them for it gave it to them at once, unconditionally. Mr. Lezar purchased the house he at present owns down there, and he asked permission for these poles for drying fish to be put up. Now drying fish is against the regulations of the Municipality. It was never permitted in the old fish-market. But as Mr. Lezar complained that he had suffered considerable loss on account of his fishing ground having been removed from its former site to the present, I spoke to the board, and they granted him permission, without charging him any rent, to retain the house, and likewise to put up poles, on condition that on a month's notice they were to be removed ; so that this drying fish is something entirely new. This, however, I may mention to the committee, necessarily took me very frequently down to the fish-market ; and, further, if anything went wrong, and the wharfmaster was out, it was reported to me, and I went to see what was the matter. Once or twice the fishermen also complained that timber being landed at Rogge Bay injured their boats, and the Harbour Board immediately put a stop to it. But notwithstanding all these occurrences, although these men had an opportunity of meeting me day after day almost, not a single word of complaint was uttered until this petition came before the Council. So that, as far as the Harbour Board is concerned, I may state that whatever has been done, even if it has proved in any way an inconvenience or injury to the fishermen, has not been done with any such object in view, and has been done without any remark of the fishermen against it, although they perfectly knew what was to be carried out.

282. Mr. Godlonton and myself went down to the fish-market, to examine the exact spot over which the rails were to be laid. Some of the fishermen were present, and on your stating to them what you have now stated to the committee, I think they denied it, and said that they had never given any one to understand that they were satisfied with what was going on ?—Well, it is very simple for them to deny it now. There are so many of them that I really could not positively swear to any one particular person present at your interview with them having been present on previous occasions when I spoke to them about the matter. In anything of this kind you know who are the headmen, and when we want to see them I just tell the wharfmaster to call the headmen together, upon

which they all come down to meet us. I cannot point out any one person in particular as having been present among those who met me on such occasions, but the chances are if one was not there, another was, and that thus they were all told what was contemplated. One man who spoke to you I know well was there. I went up to another man who has a little house on the fish-market, and said: "You recollect that man was there when I spoke to you." He said: "Of course, he was, and I can prove it, and can bring so-and-so, who saw him also." This was the very man who denied to you that he had been there; so that there is abundance of proof that these men were there and did agree to it. After this, again, Mr. Roos and I went down there, after the petition had been presented, and I pointed out to him what was being done, and he said: "It was just what the Municipality had agreed to, and what they themselves agreed with you," for he had gone down with me before when the matter had been explained to the fishermen; so that there is Mr. Roos's evidence also to corroborate the statement I am now making.

283. Yet they so positively denied it?—One man did. There can be no question as to the fact that these men were there; and even if that one particular man is ready to swear that he was not, yet there were others there called the "headmen," those possessing boats, and so on. They talked the matter over themselves, and at the time of their doing so, and the man I have mentioned is ready to swear that the one who denied to you that he was present was really there, and bring others to prove the same thing.

284. But in the event of the line of rail being proved to be inconvenient to the fishermen could not the board alter that line?—I would refer to the letter I have put in from Mr. Andrews [Appendix C]; and I may state that the recommendation of the resident engineer has been carried out by the board, and instructions given to have the place now occupied by the shells cleared for the purpose. This will give the fishermen nearly three times as much ground as they have now for a market.

285. I believe it is the intention of the board to fill up the open space of beach on the south-east of the central causeway?—Yes.

286. Is that intended for any particular purpose?—No, except to get reclaimed land.

287. It is likely that the railway station may be placed there?—I do not know. There was a correspondence some

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time since, nearly two years ago, between the Government and the board about filling in land for a railway station, but the board inquired of Government at whose expense the filling up was to take place, and what remuneration the board would get for the ground after its being so filled in.

288. But such a thing was at one time contemplated?—Yes, at one time; but there the matter dropped.

289. Would communication take place between the docks and this station by railway?—Yes, I should conceive that that would become necessary in time, when the docks are opened.

290. And would that not interfere with the fishermen?—I think it might come round in the manner first proposed.

291. How?—Come further round by the Sailors' Home.

292. Perhaps you are not aware that fishermen were examined before a former committee of this Council as to an export duty and duty on salt, and that then they pointed out how they had already been driven from one spot, and feared being driven from the present locality; upon which they were asked by some member of the committee why they did not petition. You are not aware of all these circumstances?—No.

293. Has not the Harbour Board power to withdraw the licences given to these fishermen to cure fish, and to have certain sheds upon the ground there?—Decidedly.

294. And might the fear they had that these would be withdrawn have been one of the reasons why these men made no complaints to the board as to the tramway?—I think not, because the permission was only given to them very lately, and then conditionally. It is quite against municipal regulations that there should be any drying of fish, but the board granted the permission on condition that there should be no nuisance, and also, with regard to the fish heads and other refuse, that they should be cleared away properly. I frequently go down, when I hear any complaints, to see if the place is kept clean; and our carts, also, are often employed down there.

295. I see that one of the regulations for the fish-market is as follows: "Every fisherman shall be allowed to sell fish on the Rogge Bay beach, between the old guard-house and the fish-market while such fish are being unloaded from the boats and divided between the several owners thereof, provided, however, that no fish be exposed for sale on the said beach after such division as aforesaid shall have been

effected." Does not this show that the fishermen have had a right and privilege of occupation?—Privilege. They do so still, and no one has attempted to interfere with them.

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18th July,
1853.

296. Would it not interfere with the space for the boats, hauling them up and going backwards and forwards to and from the beach, if the tramway were laid down in that direction?—I have been down to the fish-market in rough weather, and have never seen the boats so crowded on the fish-market that they were obliged to occupy the eight feet it is now proposed to take for these rails; but, even supposing that to be the case, the additional ground the board now proposes to give the fishermen by clearing away the shells would render the objection unnecessary.

297. But should the permanent line of rail be laid down to communicate with the docks, crossing the fish-market, as at present proposed, would that not be a serious inconvenience to the fishermen?—I certainly should think it would interfere with the fishermen; but there is no necessity for carrying the line of permanent rail, if laid down, in that direction.

298. Could it be brought in any other way?—Yes, according to the sketch I now make, showing that in case of the railway, it need not be taken so close to the fish-market, but might go nearer the Sailors' Home with a bend [explained].

299. Are you aware whether the board has it in contemplation to form a boat-dock for the fishermen?—It was before the board, but nothing was decided on. A plan was submitted by the resident engineer; but the commissioners were of opinion that it would afford no real facility to the fishermen, because, in bad weather, you would have all the cargo-boats making for this harbour, and there would be more confusion, and loss, and injury to the fishermen than they now suffer on the beach.

300. But could not the cargo-boats run into the docks?—Yes; but when they are finished, probably the whole mode of landing will be altered, and the cargo-boats will no longer be used.

301. Have you anything further to communicate?—Only that, as I understand the chairman is deputed to visit the fish-market in company with the last witness, to point out the line of rail, I think it only fair that one acquainted with the line should do so.

302. Will you accompany us?—I shall be happy to do so.

G

APPENDIX.

[A]

To his Honour the President and Members of the Honourable Legislative Council.

The Petition of the Undersigned, Fishermen and others residing in Cape Town and Vicinity,

RESPECTFULLY SHOWETH,—

That your petitioners are principally engaged in fishing and curing fish for the Cape Town and foreign markets.

That your petitioners have been informed that it is the intention of the Harbour Board to lay down a tramway along the beach near the fish-market, in the vicinity of the central jetty, now used by the fishermen for hauling up their boats and for retailing their fish.

That your petitioners beg respectfully to submit to your Honourable House that a fish-market at Rogge Bay has been established since time immemorial, and that the fishermen had the right to haul up their boats upon the ground now claimed by the Harbour Board.

That your petitioners, though anxious that improvements should be effected, are humbly of opinion that convenience should be afforded to the fishermen and other classes who subsist chiefly by the produce of the fisheries, and who use fish as one of their principal articles of food.

The petitioners deem it hardly necessary to bring to the notice of your Honourable House that if fishermen are thus inconvenienced and compelled to resort to other places, the poorer classes of the community will suffer materially, as fish, which constitutes so material a portion of their diet, will be very much enhanced in price, and meat will also rise in proportion, if the fisheries should be checked.

Your petitioners, therefore, respectfully pray that your Honourable House will be pleased to take such action in the matter as to your Honourable House may seem meet, in order to protect the fishermen and other classes who now subsist principally from the produce of the fisheries.

And your petitioners, as in duty bound, will ever pray.

J. J. ZEEMAN (and 642 others).

Cape Town, 3rd June, 1863.

[B]

Table Bay Harbour Commission Office,
4th February, 1862.

To the Secretary Cape Town Municipality.

SIR,—I am desired to state, for the information of the Commissioners of the Cape Town Municipality, that it is the intention of the Harbour Board to lay down a line of rails from the Breakwater Works to the Central Causeway, in order to fill up the space between it and Prince Alfred's Jetty, as shown in the accompanying plan; referring to which it will be seen that the line will of necessity pass in front of the yards let by the Municipality to the several ship-builders. But to obviate any inconvenience to them, the resident engineer proposes to leave an opening in front of each building yard, twenty feet wide and at least ten feet high, which will afford ample space for boat passage, hauling up timber, &c.; and will engage, on the occasion of a ship launch, to remove the rails entirely for the required time.

The board trusts that these arrangements will meet with the approval of your commissioners, so that the work may be immediately commenced.

I have, &c.,

J. SAUNDERS, Secretary.

Town House, 6th March, 1862.

J. SAUNDERS, Esq.,

Secretary to the Harbour Commission.

SIR,—I am directed by the Commissioners for the Municipality of Cape Town to acknowledge the receipt of your letter of the 4th ult., stating that it is the intention of the Table Bay Harbour Commission to lay down a line of rails from the Breakwater Works to the Central Causeway, and requesting the concurrence of the board in the same; and, in reply, to state that the commissioners have no objection to the proposal, provided the rails be laid down in such a manner that openings of twenty feet wide and ten feet high be left in front of each of the ship timber yards, near the Coaling Wharf for boat passages, and hauling up of timber; that the Harbour Board undertake, on the occasion of a ship or boat launch to remove the rails entirely as far as the shed from which the launch is to take place extends; that the rails do not cross the fish-market, but be laid down between it and the sea; that the rails be laid down so as not in any way to interfere with the public rights or convenience; and, finally, that the same, as far as they are laid down on municipal land, be removed, whenever required by the commissioners, at a notice of one month to that effect.

I have, &c.,

JOHN A. ROOS, Secretary.

Table Bay Harbour Commission Office,
18th March, 1862.

JOHN A ROOS, Esq.,
Secretary Cape Town Municipality.

SIR,—I have the honour to acknowledge your letter of the 6th instant, conveying the approval of the Commissioners of the Municipality to the line of rail proposed to be laid down to the Central Causeway crossing their ground, under certain conditions, with reference to which I am instructed by the board to state:

1. That the rails across the opening of twenty feet, which it is agreed should be left in front of each of the ship timber yards, should be removed only in the case of a ship launch, and not for boats, as the height of the opening will enable them to pass through without the necessity of removing the rails.

2. That in order to obviate the serious inconvenience that will result to the fishermen if the line is carried more seaward than is proposed, thereby preventing their boats from being hauled up, it should be permitted to cross the south end corner of the fish-market, which will in no degree interfere with the space required for the vending of fish, and, as I have ascertained from the fishermen themselves, will be far more to their interests and accommodation.

3. That instead of removing the rails where they cross the municipal property, on a month's notice to that effect,—a condition under which the board would hardly feel justified in incurring the heavy cost of the line, even for the important work for which it is intended,—your commissioners should agree to allow the line to remain until the filling up of the space to be reclaimed is completed, after which it will be taken up whenever they may so require it.

The resident engineer has reported to the board the necessity of immediate action in the matter, in order that a place can be obtained for the deposit of the soil in the course of removal by the formation of the docks. The board, therefore, fully relies on the cordial co-operation of your commissioners in this important matter.

I have &c.,
JOHN SAUNDERS, Secretary.

Town House, 15th April, 1862.

J. SAUNDERS, Esq.,
Secretary Harbour Board.

SIR.—I have the honour, by desire of the Commissioners for the Municipality of Cape Town, to inform you, in answer to your letter of the 18th ultimo, on the subject of the proposed line of rail from the Breakwater Works to the Central Causeway, that they agree to the modifications proposed by your board in the

conditions upon which they consented to the rail being laid down, as stated in your said letter, with the exception of so much of the same as refers to the removal of the rail, to which the Commissioners say they cannot consent; but that they have no objection to make the notice to remove *six months*, instead of one month, as stated in my letter to you of the 6th ultimo.

I have &c.,
JOHN A. ROOS, Secretary.

Table Bay Harbour Commission Office,
30th April, 1862.

The Secretary Cape Town Municipality.

SIR,—In reply to your communication respecting the terms on which your commissioners will agree to the line of rail to the Central Wharf crossing municipal land, I am instructed to state that the resident engineer has reported to the board that he cannot recommend the works, which are estimated to cost at least £6000, being further proceeded with, when they may at any moment be liable to stoppage at a six months' notice, leaving the work incomplete, and what had already been expended a total loss.

The engineer does not think the work will be completed in less than three years, for which time, at the least, the board trusts your commissioners will grant the required privilege.

I have, &c.,
JOHN SAUNDERS, Secretary.

Town House, 5th May, 1862.

JOHN SAUNDERS, Esq.,
Secretary Harbour Board.

SIR,—The Commissioners for the Municipality of Cape Town direct me to reply to your letter of the 30th ultimo, on the subject of the proposed line of rail to the Central Causeway, that they have granted your request that the rails may remain down for three years certain, on condition that the same be laid down in such a manner as not to interfere with the public rights and convenience, and that, after the expiration of the above period, your board undertake to remove the same, upon a notice of six months to that effect.

I have, &c.,
JOHN A. ROOS, Secretary.

Town House, 16th July, 1862.

JOHN SAUNDERS, Esq.,
Secretary Harbour Board.

SIR,—I beg to acquaint you, for the information of your board, that some of the occupiers of ship timber yards near the Coaling Wharf have complained that no openings are left in the embankment now being raised by your engineer opposite their sheds, whereby they will not only, be greatly inconvenienced but also injured in their business; and as, in my letter to you of the 6th of March last, it has been stipulated that proper provision should be made for the accommodation of these parties, I have to request that you will kindly look into the matter and acquaint me with the result.

I have, &c.,
JOHN A. ROOS, Secretary.

Table Bay Harbour Commission Office,
23rd July, 1862.

JOHN ROOS, Esq.,
Secretary Cape Town Municipality.

SIR,—I have the honour to acknowledge your letter of the 16th instant, respecting a complaint against the embankment which is now being thrown up for the line of rail to the Central Wharf, and to state, in reply, that I submitted it to the resident engineer who reports as follows:—

“The point complained of is opposite Messrs. Murray and Prince's mast-house. We are going to leave them an opening, but cannot do so until the bank is further ahead, when we will make the opening. While the work is in progress they will be inconvenienced, no doubt; but we will do all we can to avoid this as much as possible.”

I have &c.,
JOHN SAUNDERS, Secretary.

[C]

Table Bay Harbour Works, 3rd July, 1863.

To the Commissioners of Table Bay Harbour.

GENTLEMEN,—In answer to the petition from the fishermen complaining of the proposed works near the Central Causeway, I beg to state, that some time ago I visited the fish-market with Mr. Jarvis and the secretary to the Municipality. I pointed out that we should want to pass over the extreme point of the corner of the market, and that the rails would be 12" to 18" above the paving, that we should raise the ground to the level of the rails with proper soil and stones, and that there should not be the least impediment in the way of passing or hauling boats over the line of railway. This they agreed to, pointing out the importance of

not obstructing the fishermen in their trade, and I promised every precaution should be taken on that score. On visiting the market on Tuesday last with Mr. Saunders, I found there was great fear of the fishermen and the children being hurt by the railway wagons. This is a needless cause of alarm; the line will be worked by horses, passing along very slowly at intervals of nearly one hour. We only require a space of about eight feet left clear, and this can be used as a cart way. I do not consider any accident is so likely to arise from our wagons as from a street wagon, considering the reckless way they are so frequently driven. I should not be afraid, when the railway is completed, to undertake to remove it entirely if found to be an impediment or nuisance to the fishermen.

It has been suggested that the line of railway could be taken close to the Sailors' Home, and round the west side of the fish-market. To do this, such curves would be required as to render its working dangerous and expensive; it would also involve a deep trench near the Sailors' Home, dangerous, and blocking up the road for vehicles on the sea side of that building, and would come so close to the front or west side of the fish-market as to be a greater inconvenience than at the back, as all the customers who use the west side would be driven away. This alteration would also prevent us filling in so large a portion south of the Central Causeway as we proposed, except at a considerable increase in the cost. To give more room for fishing boats being hauled up, I would recommend the large heap of lime shells being removed, and the place levelled down and reserved for laying boats upon.

I have, &c.,

A. T. ANDREWS.

[D]

Cape Town, 19th July, 1863.

To the Honourable J. H. WICHT, Esq.,
Chairman of the Committee of Harbour Board.

SIR,—In compliance with your request, I have the honour to state for the information of the commission, that I have on Saturday afternoon, in company with you, inspected the fish-market at Rogge Bay, and line for contemplated tramway, shown me by Mr. J. Saunders, the secretary of Harbour Improvement Board, and that I am of opinion that when the same should be carried out, it will be a great inconvenience to the fishermen, and interfere with the fish-market, inasmuch as the lastmentioned is close to high-water mark, and no sufficient place is left open for the boats of fishermen. I should therefore consider it but just that the place before the fish-market should be left free and uninterrupted.

I have, &c.,

J. P. E. FAURE.

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